

# **Exhibit 13**

Page 1

1 ROBERT CHAVEZ  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 **HERMÈS INTERNATIONAL and :  
HERMÈS OF PARIS, INC., :  
Plaintiffs, : Civil Action No.  
5 : 22-CV-00384  
v. :  
6 :  
7 MASON ROTHSCHILD, :  
Defendant. :  
----- :  
8**

9 VIDEOTAPE DEPOSITION OF:

10 ROBERT CHAVEZ  
11 NEW YORK, NEW YORK  
12 WEDNESDAY, JANUARY 11, 2023  
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24 REPORTED BY:  
25 SILVIA P. WAGE, CCR, CRR, RPR  
JOB NO. 5645292

<p style="text-align: right;">Page 10</p> <p>1 ROBERT CHAVEZ  2 MR. SPRIGMAN: And also Ret Millsaps  3 from Lex Lumina on behalf of Defendant Mason  4 Rothschild.  5 MR. WARSHAVSKY: And Lisa Gehman,  6 G-E-H-M-A-N, is joining -- from Baker Hostetler  7 is joining us remotely as well.  8 THE VIDEOGRAPHER: And will the Court  9 Reporter please swear in the witness and then  10 Counsel may proceed.  11 THE STENOGRAPHER: Sir, can you  12 please raise your right hand, so I can administer  13 the oath.  14 ROBERT CHAVEZ,  15 Hermès of Paris, 55 East 59th Street, New  16 York, New York 10022, after having been  17 duly sworn, was examined and testified as  18 follows:  19 THE STENOGRAPHER: Thank you.  20 You may proceed.  21 EXAMINATION BY MR. WARSHAVSKY:  22 Q. Can you please state your name for  23 the record.  24 A. Robert Chavez.  25 Q. Mr. Chavez, are you employed?</p>	<p style="text-align: right;">Page 12</p> <p>1 ROBERT CHAVEZ  2 your personal history, very briefly.  3 Where did you grow up?  4 A. I grew up on in the south side of San  5 Antonio, Texas.  6 Q. How long did you live there?  7 A. I lived there for 18 years.  8 Q. Can you tell us about your personal  9 educational background growing up there?  10 A. Yes. I grew up -- the south side is  11 the poorer side of town, so I went to public  12 schools. I went to a public elementary school  13 and then I attended a public high school.  14 Q. Did you go to college?  15 A. I did.  16 Q. Had where did you go to college?  17 A. I went to Princeton University.  18 Q. What was your major at Princeton?  19 A. (INAUDIBLE) languages and  20 literatures.  21 Q. Mr. Chavez, I'm just going to ask  22 that you wait a beat when I -- after I ask the  23 question, so that the Court Reporter can get both  24 of us and so that Mr. Oppenheim has an  25 opportunity to object.</p>
<p style="text-align: right;">Page 11</p> <p>1 ROBERT CHAVEZ  2 A. Yes, I am.  3 Q. By whom?  4 A. Hermès of Paris Inc.  5 Q. That's one of the Plaintiffs in this  6 case?  7 A. Yes.  8 Q. How long have you been employed by  9 Hermès of Paris?  10 A. Twenty-two and a half years.  11 Q. What is your current role at Hermès  12 of Paris?  13 A. President and Chief Executive  14 Officer.  15 Q. Has this always been your role?  16 A. Yes, it has.  17 Q. Can you briefly describe your  18 responsibilities as the CEO of Hermès of Paris?  19 A. I'm in charge of all aspects of the  20 business for Hermès in both the US and Latin  21 America including finance, accounting, Human  22 Resources, merchandizing, store planning and  23 overall strategy of the brand.  24 Q. I would like to back up in time a  25 little bit and walk us through a little bit of</p>	<p style="text-align: right;">Page 13</p> <p>1 ROBERT CHAVEZ  2 A. Yes. Apologies.  3 Q. After Princeton University, did you  4 go to graduate school?  5 A. I did not.  6 Q. What did you do after graduating from  7 Princeton?  8 A. I started working at Bloomingdale's  9 in New York City.  10 Q. And what position did you have at  11 Bloomingdale's?  12 A. I started in the executive training  13 program.  14 Q. How long did you work at  15 Bloomingdale's?  16 A. I worked at Bloomingdale's for nine  17 years.  18 Q. And about when was that?  19 A. I started in August of 1977 and I  20 left in the summer of 1986.  21 Q. Did you have any other positions at  22 Bloomingdale's?  23 A. I did, yes.  24 Q. What were those positions?  25 A. I had -- I became the assistant</p>

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<p>1 ROBERT CHAVEZ</p> <p>2 Q. Can you tell us what this document</p> <p>3 is?</p> <p>4 A. It's the trademark registration for</p> <p>5 Birkin.</p> <p>6 MR. WARSHAVSKY: We offer Exhibit 5</p> <p>7 into evidence.</p> <p>8 MR. OPPENHEIM: No objection.</p> <p>9 (Deposition Exhibit 5 was moved into</p> <p>10 evidence.)</p> <p>11 Q. Does Hermès own any other trademarks</p> <p>12 covering the Birkin handbag?</p> <p>13 A. Yes, we do.</p> <p>14 Q. And what are those trademarks?</p> <p>15 A. We own the trademark for the actual</p> <p>16 shape and design of the bag.</p> <p>17 Q. When you say, "shape and design," do</p> <p>18 you mean the configuration of the Birkin bag?</p> <p>19 A. Yes.</p> <p>20 Q. Can you turn to Exhibit 6.</p> <p>21 (Deposition Exhibit 6, trademark</p> <p>22 configuration of the Birkin HERMES_0007673 to</p> <p>23 HERMES_0007675 and HERMES_0007961 &amp;</p> <p>24 HERMES_0007966, was marked for identification.)</p> <p>25 A. (The witness complies.)</p>	Page 46		Page 48
<p>1 ROBERT CHAVEZ</p> <p>2 Q. Have you seen this document before?</p> <p>3 A. Yes, I have.</p> <p>4 Q. Can you tell me what this document</p> <p>5 is?</p> <p>6 A. This is the trademark for the</p> <p>7 configuration of the Birkin bag.</p> <p>8 MR. WARSHAVSKY: We'd offer Exhibit 6</p> <p>9 into evidence.</p> <p>10 MR. OPPENHEIM: No objection.</p> <p>11 (Deposition Exhibit 6 was moved into</p> <p>12 evidence.)</p> <p>13 Q. Does Hermès own US trademark</p> <p>14 registrations for the name Hermès?</p> <p>15 A. Yes, we do.</p> <p>16 Q. Can you turn to Exhibit 7.</p> <p>17 (Deposition Exhibit 7, registered</p> <p>18 trademarks for the name Hermès beginning with</p> <p>19 Bates HERMES_0037508, was marked for</p> <p>20 identification.)</p> <p>21 A. (The witness complies.)</p> <p>22 Q. Have you seen this document before?</p> <p>23 A. Yes, I have.</p> <p>24 Q. Can you tell us what this is?</p> <p>25 A. These are the registered trademarks</p>	Page 47		Page 49

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<p style="text-align: right;">Page 62</p> <p>1 ROBERT CHAVEZ  2 one time asked him if they made handbags "from  3 fur" and then you asked if they made handbags  4 "with fur."</p> <p>5 MR. WARSHAVSKY: Sure.</p> <p>6 MR. OPPENHEIM: I think given the  7 specificity of this area...</p> <p>8 MR. WARSHAVSKY: Okay.</p> <p>9 BY MR. WARSHAVSKY:</p> <p>10 Q. Does Hermès commonly make handbags  11 with fur?</p> <p>12 A. No, we do not.</p> <p>13 Q. Okay. Does the Birkin handbag itself  14 ever get media coverage?</p> <p>15 A. Yes, it does.</p> <p>16 Q. Does Hermès pay for that media  17 coverage?</p> <p>18 A. No, we do not.</p> <p>19 Q. Does Hermès ask for that media  20 coverage?</p> <p>21 A. No, we do not.</p> <p>22 Q. Okay. So, in what types of  23 publications or media does Hermès get this media  24 coverage?</p> <p>25 A. You see Birkin coverage in all of the</p>	<p style="text-align: right;">Page 64</p> <p>1 ROBERT CHAVEZ  2 Exhibit 8 into evidence.  3 (Deposition Exhibit 8 was moved into  4 evidence.)</p> <p>5 MR. OPPENHEIM: Can I ask a couple of  6 questions about the timeline?</p> <p>7 MR. WARSHAVSKY: If you want to. I  8 mean, you want to do that on cross or do you want  9 to do it now?</p> <p>10 MR. OPPENHEIM: Before we admit it  11 into evidence, I mean.</p> <p>12 MR. WARSHAVSKY: Go ahead.</p> <p>13 MR. OPPENHEIM: I don't know -- I  14 don't know if I object to that. I have no idea  15 what it is.</p> <p>16 MR. WARSHAVSKY: Okay. Well, you  17 asked about it before, but it's alright. Yeah,  18 that's fine.</p> <p>19 MR. OPPENHEIM: I don't think so.</p> <p>20 Exhibit 8?</p> <p>21 MR. WARSHAVSKY: Okay. Go ahead. I  22 mean, in this case, I think you have. But go  23 ahead.</p> <p>24 MR. OPPENHEIM: Oh.</p> <p>25 MR. WARSHAVSKY: But that's okay.</p>
<p style="text-align: right;">Page 63</p> <p>1 ROBERT CHAVEZ  2 major magazine titles across the United States  3 such as Vogue, Harper's Bazaar, New York Times,  4 the Wall Street Journal, Vanity Fair, even  5 business publications such as Financial Times and  6 Forbes. You also see Birkin coverage in  7 television shows and also movies.</p> <p>8 Q. I'm going to ask you to turn to  9 Exhibit 8.</p> <p>10 (Deposition Exhibit 8, editorial  11 stories on the Birkin bag beginning with Bates  12 HERMES_0001602, was marked for identification.)</p> <p>13 A. (The witness complies.)</p> <p>14 Q. Just look through it for a minute and  15 then tell me if you're familiar with this  16 document.</p> <p>17 A. Yes, I am.</p> <p>18 Q. Can you tell me what this document  19 is?</p> <p>20 A. This is a compilation of many  21 editorial stories on the Birkin bag in several  22 magazines over a lengthy period of time.</p> <p>23 Q. Did Hermès compile this?</p> <p>24 A. Yes, we did.</p> <p>25 MR. WARSHAVSKY: We would offer</p>	<p style="text-align: right;">Page 65</p> <p>1 ROBERT CHAVEZ  2 MR. OPPENHEIM: Just give me a second  3 with Counsel then.  4 (There is a discussion off the  5 record.)</p> <p>6 MR. OPPENHEIM: Do you know who put  7 this together, who assembled these documents?</p> <p>8 THE WITNESS: Well, we collect all of  9 the stories and save all of the stories for all  10 the media coverage we get.</p> <p>11 MR. OPPENHEIM: Did you personally  12 direct someone to assemble these documents or was  13 this given to you?</p> <p>14 THE WITNESS: No, I didn't personally  15 direct somebody to assemble this.</p> <p>16 MR. OPPENHEIM: And this is the  17 entire assembly of stories or is this an excerpt  18 from it?</p> <p>19 THE WITNESS: No, it's an excerpt.  20 There are thousands, literally thousands.</p> <p>21 MR. OPPENHEIM: So, when was this  22 subset of those "thousands" of stories put  23 together?</p> <p>24 THE WITNESS: I couldn't give you the  25 specific date, but recently I would say.</p>

<p>1 ROBERT CHAVEZ  2 Q. Can you tell us what it is?  3 A. This too is a compilation of Birkin  4 bag appearing in several movies.  5 Q. And who created this?  6 A. Hermès International.  7 Q. And why did Hermès create this?  8 A. Well, because we save -- we all kind  9 of all of the coverage that we get.  10 MR. WARSHAVSKY: We would move  11 Exhibit 10 into evidence.  12 MR. OPPENHEIM: No objection.  13 (Deposition Exhibit 10 was moved into  14 evidence.)  15 Q. Does this press impact Hermès'  16 business?  17 A. Yes, it does.  18 Q. How so?  19 A. It increases the awareness level even  20 more and it creates an even higher demand for the  21 bag.  22 Q. Does Hermès advertise the Birkin bag?  23 A. Yes, we do.  24 Q. I'd like to show you Exhibit 11.  25 (Deposition Exhibit 11, color copy of</p>	Page 70	<p>1 ROBERT CHAVEZ  2 Q. Have you ever seen Exhibit 12 before?  3 A. Yes, I have.  4 Q. Can you tell us what that is?  5 A. Again, it's a compilation of all of  6 the ad that we just saw appearing in many of the  7 magazines that we advertise in.  8 Q. Did Hermès create this compilation?  9 A. Yes, we did.  10 MR. WARSHAVSKY: We move Exhibit 12  11 into evidence.  12 MR. OPPENHEIM: No objection.  13 (Deposition Exhibit 12 was moved into  14 evidence.)  15 Q. And what was the reaction to this  16 advertisement?  17 A. It was unbelievable.  18 Q. What do you mean by that?  19 A. It created quite a stir in the market  20 and brought huge attention to the Birkin bag  21 again.  22 Q. How much does Hermès spend a year in  23 advertising?  24 A. We spend millions of dollars a year  25 in advertising.</p>	Page 72
<p>1 ROBERT CHAVEZ  2 one page of a national ad campaign from the early  3 2000s with no Bates, was marked for  4 identification.)  5 Q. Have you ever seen this document  6 before?  7 A. I have, yes.  8 Q. Can you tell us generally what this  9 is?  10 A. This was a part of our national ad  11 campaign back in the early 2000s.  12 Q. And what products are shown in this  13 advertisement?  14 A. In addition to the one scarf there  15 are two Birkin bags featured in this ad.  16 MR. WARSHAVSKY: We move Exhibit 11  17 into evidence.  18 MR. OPPENHEIM: No objection.  19 (Deposition Exhibit 11 was moved into  20 evidence.)  21 Q. Can you please turn to Exhibit 12.  22 (Deposition Exhibit 12, black and  23 white copies of ads with beginning Bates  24 HERMES_0001406, was marked for identification.)  25 A. Yes.</p>	Page 71	<p>1 ROBERT CHAVEZ  2 Q. Does that include advertising the  3 Birkin handbag?  4 A. Yes, it does.  5 Q. Where are the Birkin handbags sold?  6 A. They're sold in our stores here in  7 the United States and around the world, Hermès  8 stores.  9 Q. Can a customer buy a Hermès bag on  10 the website?  11 A. No, they cannot.  12 Q. And earlier you spoke a little about  13 demand. I want to go back to that.  14 Can you explain the process from when  15 a customer walks into purchase a Birkin handbag  16 what happens next?  17 A. Yes. Clients come in requesting a  18 Birkin handbag. Most likely, we will not have  19 availability at that time or it's very rare that  20 we would have availability at that time. So we  21 will have a conversation with the client. We  22 will take their wish list and then we will get  23 back to them as soon as we have an idea as to  24 when we think we might be getting a bag in that  25 this is what they're looking for.</p>	Page 73